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Docket # PF-0532-2 DIV

"Express Mail" mailing label number EI 856 156 782 US. I hereby certify that this document and referenced attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10, addressed to: Commissioner for Patents, Box Patent Application, Washington, D.C. 20231 on July 24, 2001

By:

Printed:

Nancy Ramos  
Nancy Ramos

J11000 U.S. PRO  
09/912717  
07/24/01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53(b)**

Commissioner for Patents  
Box Patent Application  
Washington, D.C. 20231

4/a  
B.Q.  
11/17/02

Dear Sir:

This is a request for filing a **DIVISIONAL** application under 37 CFR 1.53(b) of pending prior divisional application Serial No. 09/565,910, filed May 5, 2000, which is a divisional application of Serial No. 09/099,676, filed on June 18, 1998, USPN 6,100,075 issued August 8, 2000, entitled DELTA 1-PYRROLINE-5-CARBOXYLATE REDUCTASE HOMOLOG.

1. X Enclosed is a specification corresponding to the prior application, divisional application Serial No. 09/565,910, filed May 5, 2000, which is a divisional application of U.S. Application Serial No. 09/099,676 filed June 18, 1998, USPN 6,100,075 issued August 8, 2000, including the oath or declaration as originally signed. The specification does not contain any subject matter that would have been new matter in the prior application.
2. X With regard to the requirement of 37 CFR 1.821(e) which requires that a copy of the Sequence Listing in computer readable form (CRF) be submitted, Applicants state that the paper copy of the Sequence Listing for the instant divisional application is identical with the computer readable form filed with Serial No. 09/099,676, filed June 18, 1998, to which priority is claimed. In accordance with 37 C.F.R. § 1.821(e), please use the computer readable form filed with U.S. Application Serial No. 09/099,676 as the computer readable form for the instant divisional application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant divisional application.
3. X Cancel in this application original claims 4-27 before calculating the filing fee, without prejudice or disclaimer. Applicants submit that these claims were included in the application as filed in the interest of providing notice to the public of certain specific subject matter intended to be claimed, and are being canceled at this time in the interest of reducing filing costs. Applicants expressly state that these claims are not being

canceled for reasons related to patentability, and are in fact fully supported by the specification as filed. Applicants expressly reserve the right to reinstate these claims or to add other claims during prosecution of this application or a continuation or divisional application. Applicants expressly do not disclaim the subject matter of any invention disclosed herein which is not set forth in the instantly filed claims.

4. X The inventor(s) of the invention being claimed in this application is (are): Jennifer L. Hillman, Neil C. Corley, Mariah R. Baughn.
5. X In accordance with 37 CFR 1.63(d) a copy of the originally signed declaration showing applicant's/applicants' signature(s) as filed on November 4, 1998 is enclosed.
6.      Amend the specification by inserting after the title: "This application is a divisional application of U.S. application serial number 09/099,676, filed June 18, 1998, all of which applications and patents are hereby incorporated herein by reference."
7. X The filing fee is calculated below:

Claims	Number Filed	Minus	Number Extra	Other Than Small Entity		Basic Fee
				Rate	Fee	\$710.00
Total Claims	20	-20	0	x \$18		\$ 0
Indep. Claims	1	-3	0	x \$80		\$ 0
<u>    </u> Multiple Dependent Claim(s), if any				+ \$270		\$ 0

**TOTAL FILING FEE \$ 710.00**

8.      An extension of time in the above-named prior application has been requested and the fees therefore have been authorized in said application.
9. X Please charge Deposit Account No. 09-0108 in the amount of \$ 710.00.

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account No. 09-0108.

A **duplicate** copy of this Request is enclosed.

10. X New formal drawings are enclosed.
11. X The prior application is assigned of record to Incyte Pharmaceuticals, Inc., recorded on 11/04/98, at reel 9572/frame 0416.

12. ☐ A preliminary amendment is enclosed.
13. ☒ Also enclosed Information Disclosure Statement, List of Cited References and new Revocation and Power of Attorney.
14. ☒ The power of attorney of the prior application is to:

Lucy J. Billings  
 Michael C. Cerrone  
 Diana Hamlet-Cox  
 Richard C. Ekstrom  
 Barrie D. Greene  
 Matthew R. Kaser  
 Lynn E. Murry  
 Shirley A. Recipon  
 Susan K. Sather  
 Michelle M. Stempien  
 David G. Streeter  
 Stephen Todd  
 Christopher Turner  
 Peng Ben Wang

Reg. No. 36,749  
 Reg. No. 39,132  
 Reg. No. 33,302  
 Reg. No. 37,027  
 Reg. No. 46,740  
 Reg. No. 44,817  
 Reg. No. 42,918  
 Reg. No. 47,016  
 Reg. No. 44,316  
 Reg. No. 41,327  
 Reg. No. 43,168  
 Reg. No. 47,139  
 Reg. No. 45,167  
 Reg. No. 41,420

- ☐ The associate power of attorney in the prior application is to:
- a. ☐ An associate power of attorney is attached.
- b. ☒ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☒ Address all future correspondence to:

INCYTE GENOMICS, INC.  
 PATENT DEPARTMENT  
 3160 Porter Drive  
 Palo Alto, California 94304  
 Phone: (650) 855-0555, Fax: (650) 845-4166

Date:

July 23, 2001

By:

David G. Streeter

David G. Streeter, Ph.D.

Reg. No. 43,168

Direct Dial Telephone: (650) 845-5741

- ☐ Inventor(s)  
☐ Assignee of complete interest  
☒ Attorney or agent of record  
☐ Filed under 37 CFR 1.34(a)  
☐ Registration number if acting under 37 CFR 1.34(a) \_\_\_\_\_.

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By: Nancy Ramos Printed: Nancy Ramos

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Hillman et al.

Title: DELTA-1-PYRROLINE-5-CARBOXYLATE REDUCTASE HOMOLOG

Serial No.: To Be Assigned

Filing Date: Herewith

Examiner: To Be Assigned

Group Art Unit: To Be Assigned

**Official Draftsman**

Commissioner for Patents

Washington, D.C. 20231

**SUBMISSION OF FORMAL DRAWINGS**

Sir:

Transmitted herewith are Figure(s) 1A, 1B, 1C, 1D, 1E, 2A and 2B, as seven (7) sheets of formal drawings for this application. Each sheet of drawing indicates the identifying indicia suggested in 37 CFR Section 1.84(c) on the reverse side of the drawings.

Applicants believe that no fee is due with this paper. However, if the Commissioner determines that a fee is necessary, the Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. **09-0108**. **A duplicate copy of this communication is enclosed.**

If there are any questions regarding the above, the Examiner is invited to call the undersigned at 650-855-0555.

Respectfully submitted,

INCYTE GENOMICS, INC.

David G. Streeter

David G. Streeter, Ph.D.

Reg. No. 43,168

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Date: July 23, 2001

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